

### **Remarks**

This communication is considered fully responsive to the third non-final Office Action mailed October 31, 2005. Claims 1-28 and 30 were examined. Claims 1-28 and 30 stand rejected. No claims are amended. New claim 29 is added and claim 30 is canceled to correct the claim numbering. Reexamination and reconsideration of claims 1-29 are respectfully requested.

### **Claim Objections**

Applicant notes that the claims were inadvertently mis-numbered and there previously was no claim 29. Applicant has rewritten claim 30 as new claim 29 and canceled claim 30 to correct the claim numbering.

### **Claim Rejections - 35 U.S.C. 102(e)**

The Office Action rejected claims 1-28 and 30 (presently claims 1-29) under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Publication No. 2002/0065872A1 to Genske, et al. (hereinafter referred to as "Genske"). Applicant respectfully traverses this rejection.

Genske discloses a system and method for uploading and installing drivers from a digital camera to other devices (e.g., a printer) that the digital camera connects to so that the digital camera can communicate with the device (e.g., the printer). Applicants invention, on the other hand, is directed to managing memory resources for an electronic device (e.g., a digital camera) by opportunistically establishing communication between the electronic device

and at least one remote transport device, as explained in more detail below with reference to the claims.

Claim 1 positively recites "a communication controller for opportunistically establishing communication between said electronic device and at least one remote transport device" (emphasis added). Genske fails to disclose at least these recitations.

The Office Action cites to the Abstract in Genske as disclosing these recitations. The Abstract states that the client device "initially probes its environment to determine which device or devices it is attached to (e.g., the 'host' device(s))." The Office Action is misconstruing this "probing" as opportunistically establishing a connection. The client device in Genske is already attached to one or more host devices before "probing its environment," and the client device probes its environment to determine which devices it is already attached to. There is no teaching or suggestion of a communication controller for opportunistically establishing connections, e.g., with various remote transport devices the user encounters.

Claim 1 also positively recites "a transceiver for singly transmitting copies of said packets to said at least one remote transport device . . . to manage memory resources for the electronic device." (emphasis added). Genske fails to disclose at least these recitations.

The Office Action cites generally to paragraph 0043 in Genske as disclosing these recitations. Although this paragraph includes specifications for a preferred camera embodiment, there is no teaching or suggestion that this camera has a transceiver to manage memory resources.

The Office Action also cites generally to the abstract and paragraph 0062 as disclosing these recitations. However, these citations disclose uploading and executing a driver. Again, there is no teaching or suggestion that a transceiver is used to manage memory resources.

The Office Action also cites generally to paragraph 0084 as disclosing these recitations. Although paragraph 0084 discusses nonvolatile flash memory storage and a flash manager, the flash manager converts file information into a format appropriate for nonvolatile storage and manages hardware resources for storing files on *the host device*. There is no teaching or suggestion that a transceiver is used to manage memory resources at the client device.

The office action also cited generally to paragraph 0004 as disclosing these recitations. Although this paragraph discusses a driver executing at the target device for issuing commands to the camera device for offloading image data or photos onto the target device, there still is no teaching or suggestion of a transceiver to manage memory resources.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-11 depend from claim 1, which is believed to be allowable. Therefore, claims 2-11 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2-11 is respectfully requested.

In addition, the Office Action previously relied on the drivers as being the "digital data" which was transmitted to reject claim 1. The Office Action

now relies on the photos stored on the camera as being the "digital data" in claims 2, 3, 5, 7, 8, and 11. Therefore, the rejections are inconsistent. For at least these reasons claims 2, 3, 5, 7, 8, and 11 are believed to be allowable.

Furthermore, claim 9 recites "a switch for deactivating said transceiver," and claim 10 recites "wherein said switch is selectable by a user". The Office Action cites generally to paragraphs 0011, 0035, and 0039 as disclosing these recitations. Applicant cannot find anything in these citations which might be construed as the claimed switch. Therefore, Applicant respectfully requests the Examiner to particularly identify what is being construed as the claimed switch or withdraw the rejection.

Claim 12 positively recites "opportunistically establishing a communication link with at least one neighboring electronic device." As discussed above for claim 1, Genske fails to disclose at least these recitations. Therefore, claim 12 is believed to be allowable over the cited reference and Applicant respectfully requests withdrawal of the rejection of claim 12.

Claims 13-20 depend from claim 12, which is believed to be allowable. Therefore, claims 13-20 are also believed to be allowable for at least the same reasons as claim 12. Withdrawal of the rejection of claims 13-20 is respectfully requested.

In addition, the Office Action previously relied on the drivers as being the "packetized data" which was transmitted to reject claim 12. The Office Action now relies on the photos stored on the camera as being the "packetized data" in claims 13, 14, 17, and 19. Therefore, the rejections are inconsistent.

For at least these reasons claims 13, 14, 17, and 19 are believed to be allowable.

Furthermore, claim 15 further recites "broadcasting a hail within a transmission radius centered about said electronic device." The Office Action cites generally to the Abstract in Genske as disclosing these recitations. It is not clear what exactly the examiner is construing in the Abstract as broadcasting a hail within a transmission radius centered about the electronic device. Therefore, Applicant believes that the rejection is incomplete, and Applicant respectfully requests the Examiner to particularly identify what is being construed as "broadcasting a hail" or withdraw the rejection. For at least these reasons claim 15 is believed to be allowable.

Claim 21 positively recites "means for hailing surrounding transport devices" and "means for establishing communication channels with ones of said surrounding transport devices responding to said hail." At least these recitations are not disclosed by Genske.

The Office Action cites generally to paragraph 0063 in Genske as disclosing these recitations. Paragraph 0063 discusses the client device "probing its environment" to identify all relevant host devices. However, the client device in Genske is already attached to its environment before "probing its environment." There is no teaching or suggestion that the client device has any means for establishing communications channels with surrounding transport devices responding to a hail. For at least these reasons claim 21 is believed to be allowable over the cited reference and Applicant respectfully requests withdrawal of the rejection of claim 21.

Claims 22-24 depend from claim 21, which is believed to be allowable. Therefore, claims 22-24 are also believed to be allowable for at least the same reasons as claim 21. Withdrawal of the rejection of claims 22-24 is respectfully requested.

In addition, the Office Action previously relied on the drivers as being the "original data" which was transmitted to reject claim 21. The Office Action now relies on the photos stored on the camera in Genske as being the "original data" in claims 22 and 23. Therefore, the rejections are inconsistent. For at least these reasons claims 22 and 23 are believed to be allowable.

Claims 25-27 depend from claim 1, and are therefore believed to be allowable for at least the same reasons as discussed above for claim 1. Claims 28 and 29 depend from claim 12, and are therefore believed to be allowable for at least the same reasons as discussed above for claim 12.

In addition, claims 25-29 include further recitations directed toward opportunistic communication. As discussed above for the base claims, Genske fails to disclose opportunistic communication. Therefore, Genske also fails to disclose the additional recitations directed toward opportunistic communication which are introduced in claims 25-29.

The Office Action cites generally to the Abstract, paragraphs 0063, 0021, and 0134 as disclosing these recitations. However, the Abstract and paragraphs 0063 disclose "probing" for already connected devices, as discussed in more detail above for claims 1 and 21. Paragraph 0021 discusses different types of connected environments in which the device may be implemented. Paragraph 0134 discloses loading an application into a Palm device. None of

these citations include disclosure of the claim recitations in claims 25-29.  
Therefore, claims 25-29 are believed to be allowable for at least these reasons.

**Conclusion**

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

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